



Small

1636 \$
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Donnelly, et al.

Serial No.: 09/835,694 Case No.: 18972PCA

Filed: April 16, 2001

For: NUCLEIC ACID VACCINES AGAINST HUMAN
INFLUENZA VIRUS (As amended herein)

Art Unit: 1636

Examiner:
McKelvey, Terry A.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
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COMMISSIONER FOR PATENTS
P.O. BOX 1450
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ON THE DATE APPEARING BELOW.

MERCK & CO., INC.

BY:

J. Mary Hane

DATE:

April 20, 2004

**RESPONSE TO RESTRICTION
REQUIREMENT, 35 U.S.C. § 121,
AMENDMENT, 37 CFR 1.111**

Sir:

In response to the Office Action mailed 25 February 2004, please note the following species election from the Restriction Requirement of 03 October 2003.

A Petition to Extend Time, under 37 C.F.R. §1.136(a), for one (1) month, as a large entity, is enclosed. If any additional time for responding to this action is required, please treat this paper as a request under 37 C.F.R. §1.136(a) to extend the time further, as required, and charge Deposit Account No. 13-2755 the appropriate fee as a large entity.

No additional fee has been calculated to be due in regard to responding to the Restriction Requirement and entry of this Amendment. However, if any fee is due for entry of these papers, please charge the fee(s) to Deposit Account No. 13-2755, as a large entity.

Please credit any overpayment or charge any fee deficiency to Deposit Account No. 13-2755.

Amendments to the Title – None

Amendments to the Specification - None

Amendment to the Claims - None

Amendments to the Drawings – None

Remarks begin on page 3 of this paper.

Complete *Response to Restriction Under 35 U.S.C. §121* begins on page 4 of this paper.